

LPDES PERMIT NO. LA0002887, AI NO. 2432, ACTIVITY NO. PER20070002

**LPDES FACT SHEET AND RATIONALE
FOR THE DRAFT LOUISIANA POLLUTANT DISCHARGE ELIMINATION SYSTEM
(LPDES) MODIFIED PERMIT TO DISCHARGE TO WATERS OF LOUISIANA**

COMPANY/FACILITY: Cleco Power, LLC
Teche Power Station
Post Office Box 300
Baldwin, Louisiana 70514

ISSUING OFFICE: Louisiana Department of Environmental Quality (LDEQ)
Office of Environmental Services
Post Office Box 4313
Baton Rouge, Louisiana 70821-4313

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DATE PREPARED: September 25, 2007

1. PERMIT STATUS

- A. Reason For Permit Action:
Modification of an existing Louisiana Pollutant Discharge Elimination System (LPDES) permit following regulations promulgated at LAC 33:IX.3105.

LAC 33:IX Citations: Unless otherwise stated, citations to LAC 33:IX refer to promulgated regulations listed at Louisiana Administrative Code, Title 33, Part IX.

40 CFR Citations: Unless otherwise stated, citations to 40 CFR refer to promulgated regulations listed at Title 40, Code of Federal Regulations in accordance with the dates specified at LAC 33:IX.4901, 4903, and 2301.F.

- B. LPDES permit: LA0002887
LPDES permit effective date: February 1, 2005
LPDES permit expiration date: January 31, 2010
This permit was modified effective August 1, 2005.

- C. Modification request received: August 8, 2007

2. FACILITY INFORMATION

- A. LOCATION – 237 Newman Street, in Baldwin, St. Mary Parish
(Latitude: 29° 49' 32", Longitude: 91° 32' 36")

- B. FACILITY TYPE/ACTIVITY – Cleco Power, LLC, Teche Power Station, is an existing steam/electric generating station. The facility consists of three steam electric generating units, with a net generating capacity of approximately 431 megawatts.

All three units utilize once-through cooling water systems. Cooling water is withdrawn through cooling water intake structures (CWIS) located on the western banks of the

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Charenton Canal, located in Subsegment 060601 of the Vermilion-Teche River Basin. The Teche facility operates two separate and distinct CWIS; one for Units 1 and 2 (design flow rate is 74 MGD), and one for Unit 3 (design flow rate is 227 MGD). The total design flow rate is 301 MGD.

C. FEE RATE

1. Fee Rating Facility Type: Major
2. Complexity Type: III
3. Wastewater Type: I
4. SIC code: 4911

2. NATURE AND BASIS OF MODIFICATION

This permit is being modified to incorporate the remanding of major portions of the 316(b) Rule on January 25, 2007.

A. The 316(b) language has been modified to include the following:

- July 6, 2004, EPA promulgated 'Phase II' regulations in accordance with section 316(b) of the Clean Water Act (CWA).
- January 25, 2007, the Second U.S. Circuit Court of Appeals remanded several provisions of the Phase II rule.
- March 20, 2007, EPA issued a memo saying, "the rule should be considered suspended".
- July 9, 2007, Federal Register notice suspending all parts of the Phase II regulations except 40 CFR 125.90(b) [LAC 33:IX.4731.B]

LAC 33:IX.4731.B provides for regulating the CWIS for existing facilities on a case-by-case basis using best professional judgment.

In order to reduce the environmental impact caused by the cooling water intake structure (CWIS), the permittee shall comply with effective regulations promulgated in accordance with section 316b of the CWA for cooling water intake structures. The permittee must evaluate the environmental impacts of their CWIS by characterizing the fish/shellfish in the vicinity of the CWIS and assessing impingement mortality and entrainment. Based on the information submitted to DEQ, the permit may be reopened to incorporate limitations and/or requirements for the CWIS.

The fish/shellfish impingement mortality and entrainment assessment must include the following:

1. Source water physical data including a narrative description, scaled drawings, location maps showing the physical configuration of the source water body, and other documentation which supports your assessment of the water body;
2. Cooling water intake structure data including a narrative description of the configuration, location, engineering drawings, and operation of your CWIS, including design intake flow velocity; flow distribution, and water balance diagram that includes all sources of water to the facility, recirculating flows, and

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- discharges;
3. Cooling water system data including a narrative description of the operation of your cooling water system, its relationship to the CWIS, the proportion of the design intake flow that is used in the system, the number of days of the year the cooling water system is in operation and seasonal changes in the operation of the system, if applicable; and
 4. Source water biological evaluation which includes the fish/shellfish assessment and the impingement mortality/entrainment assessment.

4. TENTATIVE DETERMINATION

On the basis of preliminary staff review, the Department of Environmental Quality has made a tentative determination to modify the permit to address changes to the 316(b) requirements described in the request.

5. PUBLIC NOTICES

Upon publication of the public notice, a public comment period shall begin on the date of publication and last for at least 30 days thereafter. During this period, any interested persons may submit written comments on the proposed issuance of LPDES individual permits and may request a public hearing to clarify issues involved. This Office's address is on the first page of the fact sheet. A request for a public hearing shall be in writing and shall state the nature of the issues proposed to be raised in the hearing.

Public notice published in:

A local newspaper of general circulation and
The Office of Environmental Services Public Notice Mailing List.